

TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS SELECTED AS A NOMINEE.



NAME: Mary Bruntrager Schroeder

1. State your present principal occupation: Associate Circuit Judge
2. Are you at least 30 years of age? Yes
3.
 - (a) How long have you been a citizen of the United States? 65
 - (b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? yes
 - (c) How long have you been a qualified voter of Missouri? 44

4. Are you licensed to practice law in Missouri? Yes

List any other states, courts, or agencies in which you are licensed as an attorney:

5. State the date you were admitted to the Bar in Missouri? May 11, 1978

Missouri Bar Number: 26800

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received: **See Attached**
7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.) **See Attached**

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome.
- (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome.
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? **Yes**
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.
11. Have you briefed or argued any case before any appellate court? **Yes**
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney. **I wrote and for several years edited the Missouri Bench Book for Municipal Judges, Chapter IX, Evidence and the Traffic Guide for State**
13. Have you ever been convicted of a misdemeanor or felony? **No**
If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:
14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? **Yes**
If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated: **See Attached**
15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? **No**

If yes, provide details:

16. Have you ever been held in contempt of court? **No**

If yes, provide details:

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? **No**

If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. **No**

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details: **No**

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **Yes**

If yes, provide details: **See answer to #14. Plaintiff Gianella filed a complaint in 2001 and again in 2007. I received a letter from the Bar saying it found no grounds for the complaint and no further action would be taken.**

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates: **See attached**

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated: **See attached**

21. Do you now hold or have you ever held any elective or appointive public office or position?

If yes, provide details: **Associated Circuit Judge, retained November 6, 2012**

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:

23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received: **See attached**

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications: **See Attached**
25. State any additional data you deem relevant:

Since taking the Bench, I have been involved in several Community outreach programs such as the Speaker's Bureau and The TAAG Program. I have also been instrumental in establishing and presiding over the State Civil Child Support Contempt Docket and a revised Pretrial Release Program. The Civil Contempt Docket helped recover, for both Mothers' and the State of Missouri, past due child support. While in the Criminal Assignment the problem of jail overcrowding was addressed with revamping the Pretrial release program. I worked with Jail personnel to develop and implement the parameters of the Program.

I serve on several committees including the Disaster Preparedness and Strategic Planning.

As a member of the Strategic Planning I have been involved with developing a comprehensive five year plan for the 21st Judicial Circuit. The Plan will not only deal with the new physical plant but also Judicial and Clerical workload and resources.

I also serve on the State Judiciary Legislative Committee as well as the Missouri Association of Probate and Associate Circuit Judges Legislative Committee.

I realize the importance of appointing people who not only have knowledge of the law but also life experiences and an appreciation of the practical aspects of the law. I found this not only to be true in the seven years I spent in Family Court but in my Civil and Criminal assignments as well. Since taking the Bench in 1999, I have served in almost every assignment in this Circuit. I have been appointed to sit as a Circuit Judge through most of my career, handling Equity and Family Court matters. As a result, I have the advantage of being able to transition to this position with no learning curve.

In my professional career, I learned research and writing as a law clerk in the Court of Appeals, prosecuted in the Circuit Attorney's Office and had a diverse private practice. I believe my extensive background and experiences together with my current service on the bench would serve me well in this position.

Authorization

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received: St. Louis University 1969-1973 Bachelor of Arts / History
Maryville University 1974-1975:
St. Mary's University of San Antonio 1975-1978 Juris Doctoris:
St. Louis University 1977-1978 Summer Transfer

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

1969, 1970 Missouri Department of Revenue - Clerk Typist
1971 - St. Louis County Parks Department - Park Ranger
1972 -1975 Bruntrager & Bruntrager, Receptionist
1975 - 1977 Billco Construction 13025 Winding Trail - Painter
1976, 1977 Circuit Attorney for the City of St. Louis - Law Clerk
August, 1978 - September, 1979 Missouri Court of Appeals - Law Clerk for Joseph G. Stewart
July, 1980 - November, 1982 Circuit Attorney for the City of St. Louis - Assistant Circuit Attorney
September, 1979- July 1980 and January, 1983- June, 1999 Bruntrager & Billings, P.C. - Partner
June, 1999 - to present - State of Missouri - Associate Circuit Judge

8. (a) If you are presently an associate circuit judge and have served as such for two years or longer, please attach a list of ten significant cases over which you presided to completion. Please set forth the style, cause number, date, and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Please indicate whether bench or jury tried and give a one-three sentence description of each case and its outcome.

Victoria's Secret Stores, Inc., et al. v. The May Department Stores Co. No. 03CC-002340 Suit in Equity to enforce a non compete clause in an employment contract. Three day Bench tried case. Judgment for Plaintiffs. Plaintiffs were represented by William Corrigan, Jr. and John Gianoulakis. Defendant was represent by Theodore Ponfil and Mark Dierman.

Mantel v. Bucheit No. 00CC-002371 2/20/01 Suit in Equity to restore a police officer's job. The officer brought suit under Mandamus to force the City of St. Ann and its Mayor to follow the statutory procedure to fire an employee. Summary Judgment entered for plaintiff. Plaintiff was represented by Rick Barry and defendant was represented by Shulamith Simon.

Metts, et al. v. City of Pine Lawn, No. 00CC-4336 8/27/01 Suit in Equity to establish a class of citizens improperly taxed for trash pickup. Involved statutory application of the procedure to levy specific assessments as opposed to taxes. Summary Judgment entered for defendant. Ryan Shaugghnessy represented plaintiffs and Kenneth J. Heinz represented the defendant. Affirmed on Appeal 2002

Hutnick v. Donald Beil, et al., 130 S.W.3d 672 (Mo. App. E.D. 2004) Suit in Equity to remove co-trustees of a trust and money damages for tortious interference with expectancy of an inheritance. Daughter brought suit against her brother and trust company to establish her rights and an accounting under a trust established by her parents. Defendants counterclaimed for fees and costs. Multiple motions were heard and the case went to trial resulting in a defendants' verdict. Melroy Hutnick represented Plaintiff and James Ferrick and Michael Bartolacci represented the Defendants.

PJH Investment Company LLC v. Oltjenbruns No. 99CC-002406 6/20/01 Suit in Equity for Specific Enforcement of a Sales Contract. Buyer defendant cancelled the contract when he failed to get financing. Plaintiff claimed lack of good faith effort. One day trial. Defendant's verdict. Grant T. Williams represented plaintiff and Dwayne A. Johnson represented defendants.

Landau, et al. v. Weil, et al. No 00CC-00206 9/21/01 Suit in Equity. Neighbors were seeking to restrain another neighbor from blocking an alley with gates. Neighbors wanted to enforce a 1911 Indenture provision. Defendants counter sued. Two hearings on motions brought by all parties. Summary Judgment for defendants. Gerald Greiman represented plaintiffs and Thomas Rosenfeld represented defendants. Affirmed on appeal.

City of Frontenac v. Jones, et al. No 00CC-003733 5/14/01 Suit in Equity. Restraining order sought. City of Frontenac sought to block a subdivision street that connected Ballas and Bopp roads. Defendants were the property owners on the street.

Summary Judgment entered on behalf of defendants. Brian E. McGovern represented plaintiff and Frank Vatterott represented defendants.

Normandy School District v. City of Pasadena Hills et al. No 99CC-003106 3/13/01

An appeal from a zoning order prohibiting the School District from adding mobile classrooms to an existing school property. Summary Judgment entered for plaintiff. Charles L. Ford represented plaintiff and Kevin O'Keefe represented defendant.

Hilvin Investment Corp. v. Kamil, et al. No. 00AC-12002 10/20/00 Landlord tenant action on a commercial lease. Suit for back rent and possession. One day trial. Judgment for plaintiff. Affirmed on Appeal. Robert Hunt represented plaintiff and David Godfrey represented defendants.

City of Moline Acres v. Charles W. Brennan Defendant was charged with Excessive Speed pursuant to an Ordinance establishing a speed camera. One day bench trial. Defendant was acquitted. The City appealed. Case was affirmed on appeal but was transferred to the Supreme Court. As of this date it is still pending in the Supreme Court. Jeffrey P. Duke represented the City and W. Bevis Schock represented the defendant.

11. In the Missouri Supreme Court I briefed and argued the following cases:

Director of Revenue v. Selleriek, et al. 826 S.W.2d 338 (Mo. Banc 1992)

Montague v. Standard Operations, 758 S.W.2d 442 (Mo. 1988)

In the Missouri Court of Appeals, Eastern District, I wrote and argued the following civil cases:

City of Clarkson Valley v. Jones, 872 S.W. 2d 531 (Mo App. 1994)

Estate of Munzert, 887 S.W.2d 764 (Mo. App. 1994)

Darr v. Director of Revenue, 877 S.W. 697 (Mo. App.1994)

Hartman v. Director of Revenue, 884 S.W. 743 (Mo App. 1994)

McKean v. St. Louis County, 936 S.W.2d184 (Mo. App. 1996)

Director of Revenue v. Thomas, 971 S.W.2d 909 (Mo. App. E.D. 1998)

Cummings v. Mischeaux, et al., 960 S.W.2d 560 (Mo. App. W.D. 1998)

Blake v. Central Transport, Inc. 980 S.W.2d 162 (Mo. App. E.D. 1998)

Cody v. Director of Revenue, 986 S.W.2d 935 (Mo. App. E.D. 1999)

Mesler v. Director of Revenue, 983S.W. 605 (Mo. App. E.D. 1999)

Robinson v. Arnold, 979 S.W.2d 494 (Mo. App. E.D. 19980)

I wrote and argued the following domestic cases:

Wilson v. Wilson, 822 S.W. 2d 917 (Mo. App. 1996)
Coleman v. Coleman, 823 S.W.2d 6 (Mo. App. 1993)
Peaslee v. Peaslee, 844 S.W.2d 569 (Mo. App. 1995)
Buskin v. Buskin, 878 S.W. 2d 78 (Mo. App. 1994)

I wrote and argued the following criminal cases:

O'Connell v. State, 921 S.W.2d 121 (Mo. App. 1996)
State v. Jones, 865 S.W. 895 (Mo. App. 1993)
State v. Boyd, 913 S.W.2d 838 (Mo. App. 1995)
State v. Mitchell, 913 S.W.2d 112 (Mo. App. 1995)

I also wrote and argued several cases, both criminal and civil, in the United States Court of Appeals including:

United States v. Perkins, 938 F.2d 184 (8th Cir. 1994)
United States v. Ziglin, 964 F. 2d 756 (8th Cir. 1992)
United States v. Valentine, 984 F.2d 906 (8th Cir. 1993)
Lue V. Moore, et al., 43 F.3d 1203 (8th Cir. 1994)
Maune v. Intl. Brotherhood of Elect. Wkrs., 83 F.3d 959 (8th Cir. 1996)
United States v. Adams, 110 F.3d 31 (8th Cir. 1997)

14. Adams v. O'Brien. I represented an estate in which the accountant hired by the personal representative failed to file the estate tax return within the time prescribed resulting in interest and penalties assessed against the estate. Suit was brought against the accountant and I was brought in as the attorney for the estate. The suit was settled.

I was a party in the following lawsuits:

Stanley G. Schroeder, et al., v. Adesco Insurance Co. No 21C87-13419, St. Louis County 1987-1988, Suit on an extended warranty, Settled.

Mary Patricia Schroeder v. Reliable Adjustment Bureau of Florida, Inc. No 01AC-12733 St. Louis County, Suit under the Fair Debt Collection Act for misreporting of debt. Settled 2001

Gianella v. Gianella et al. Plaintiff is the heir in an estate I began handling in 1995. The estate closed in 1999. Plaintiff

brought three different suits since the closure alleging various types of fraud. In August, 2005, she filed suit in St. Louis County alleging fraud and tortious interference with an inheritance. I was included as a co-defendant. The case was dismissed by the trial court. Plaintiff appealed. The appeals court sets out the history of the case and imposed sanctions for the second time. The opinion is found at 234 S.W.3d 526 (Mo App E.D. 2007)

19. I belong to the following bar and professional associations:

Missouri Bar, Bar Association of Metropolitan St. Louis, St. Louis County Bar Association, Women Lawyers Association and I am a Past President of The Association of Associate Circuit Judges and Probate Judges of Missouri. I am a member of the Judicial Conference Legislative Committee and the Association of Associate Circuit Judges and Probate Judges' Legislative Committee and Executive Committee.

20. I am involved in the adult choir at St. Gerard Majella Church and active in other parish activities. I also sing with the University of Missouri - St. Louis Community Chorus.

I am involved in several programs designed to help children. For the last fifteen years I have worked with the Valley Park Middle School TAAG program. This program has been recognized with two National Awards in the last six years. I have also worked with the Griffen Center of East St. Louis in their back to school and Christmas projects.

For ten years I have been involved in Legal Support Services Group which raises money for faith based non-profit groups who provide legal services to indigent families.

I belong to Norwood Hills Country Club.

23. I have been an active member of the Missouri Association of Probate and Associate Circuit Judges since 2000. I have served in several positions while a member. I have been given the President's Award in 2011 and 2015 for distinguished service to the Association as well a Certificate of Appreciation in 2012. I was also given the President's Award from the Women's Lawyer Association in 2004.

I have received two Awards of Appreciation from the Valley Park Middle School and Valley Park Board of Education for work with their TAAG program.

In 2010 and again in 2014 I helped reedit and revamp the Missouri Traffic Bench Guide. This book is used by Municipal and State Judges as a reference for all traffic related misdemeanor offences.

I was asked to write a chapter for the Family Court Judicial Bench Book on the Service Member Civil Relief Act. The chapter dealt with the Federal and State laws and the application to Domestic cases in Missouri.

24. My references:

James R. Hartenbach, 444 Iris, Kirkwood, MO 63122
Venus Valine Harry 7171 Delmar Blvd Ste 101 St; Louis MO
63130-4334
Matthew G. Eilerts 7733 Forsyth Blvd Clayton MO 63105
David Stratmann One Firststar Plaza St. Louis MO 63101
Elaine Pudlowski 231 South Bemiston Ste 1111 Clayton MO
63105